

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

NORMAN N. SHELTON,

:

Plaintiff

:

No. 3:CV-11-1618

vs.

:

(Judge Nealon)

:

BRIAN A. BLEDSOE, et al.,

:

FILED
SCRANTON

Defendants

:

OCT 22 2012

ORDER

PER M. B. F.
DEPUTY CLERK

AND NOW, THIS 22nd DAY OF OCTOBER, 2012, upon consideration of Plaintiff's motion to consolidate the above captioned combined, Bivens,¹ and Federal Tort Claims Act ("FTCA") lawsuit, pursuant to 28 U.S.C. § 2671, et seq., , seeking compensatory and punitive damages for Plaintiff's Eighth Amendment claims of deliberate indifference to his safety with regard to events surrounding a November 26, 2009², assault upon him by his cellmate, and claims regarding his

¹Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics, 403 U.S. 388, 397 (1971).

²On February 21, 2012, the Plaintiff filed a stipulation to dismiss counts One and Two of the complaint, regarding claims arising out of an August 30, 2012 assault. (See Doc. 24, Stipulation).

resulting medical care, with Richardson v. Bledsoe, 3:11-CV-2266, a Bivens action seeking compensatory and punitive damages, as well as injunctive relief, for violations of Plaintiff's Fifth and Eighth Amendment rights, when, on several occasions he was placed in restraints for refusing a cellmate who had a reputation for being assaultive, and Plaintiff's resulting injuries from the restraints, and it appearing that the actions do not involve a common question of law or fact as required by Fed.R.Civ.P. 42(a)³, **IT IS HEREBY ORDERED THAT** Plaintiff's motion to consolidate (Doc. 41) is **DENIED**.



United States District Judge

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Rule 42(a) of the Federal Rules of Civil Procedure states:

(a) Consolidation. If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all the matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a).